

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

**KENT M. SWIG,**

*Plaintiff,*

**ANSWER**

-vs-

Civil Action No.  
07cv6672-VM

**ARCH INSURANCE COMPANY,  
JAMES STUMPF and TREVOR  
PRINCE,**

*Defendants.*

---

Defendants, James Stumpf and Trevor Prince, by their attorneys, Hiscock & Barclay, LLP, as and for their Answer to the Complaint of Plaintiff, alleges as follows:

**PARTIES**

1. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "1" of the Complaint.

2. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "2" of the Complaint.

3. Admit the allegations contained in Paragraph "3" of the Complaint.

4. Admit the allegations contained in Paragraph "4" of the Complaint.

**JURISDICTION AND VENUE**

5. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "5" of the Complaint.

6. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "6" of the Complaint.

7. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "7" of the Complaint.

**ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

8. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "8" of the Complaint.

9. Admit Trevor Prince and James Stumpf worked for IDI Construction Company Inc. Defendants deny knowledge or information sufficient to form a belief with respect to the remaining allegations contained in Paragraph "9" of the Complaint.

10. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "10" of the Complaint.

11. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "11" of the Complaint.

12. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "12" of the Complaint.

13. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "13" of the Complaint.

14. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "14" of the Complaint.

15. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "15" of the Complaint.

16. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "16" of the Complaint.

17. Deny knowledge or information sufficient to form a belief as to the allegations contained in Paragraph "17" of the Complaint.

18. Admit that American Interiors, Inc. commenced an action against IDI Construction Company, Inc., and refer to the Complaint for its true and correct contents. Defendants deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "18" of the Complaint.

19. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "19" of the Complaint.

20. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "20" of the Complaint.

21. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "21" of the Complaint.

22. Admit such allegations as are elsewhere admitted, deny knowledge or information sufficient to form a belief with respect to those allegations as are elsewhere herein similarly treated and deny such allegations as are elsewhere denied.

23. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "23" of the Complaint.

24. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "24" of the Complaint.

25. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "25" of the Complaint.

26. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "26" of the Complaint.

27. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "27" of the Complaint.

28. Deny knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph "28" of the Complaint.

29. Admit such allegations as are elsewhere admitted, deny knowledge or information sufficient to form a belief with respect to those allegations as are elsewhere herein similarly treated and deny such allegations as are elsewhere denied.

30. Deny the allegations contained in Paragraph "30" of the Complaint.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

31. The pleading fails to state a cause of action.

**DATED:** October 12, 2007

**HISCOCK & BARCLAY, LLP**

By: /s/ Amy K. Kendall  
Amy K. Kendall AK7282

*Attorneys for Defendants*  
James Stumpf and Trevor Prince  
Office and Post Office Address  
2000 HSBC Plaza  
100 Chestnut Street  
Rochester, New York 14604  
Telephone: (585) 325-7570  
Facsimile: (585) 325-5458  
E-Mail: [akendall@hiscockbarclay.com](mailto:akendall@hiscockbarclay.com)

**CERTIFICATE OF SERVICE**

I certify that on October 12, 2007, I filed a copy of the foregoing document with the Clerk of the Court via the CM/ECF system which gave notice to the following attorneys:

**Steven Henry Rittmaster**  
[srittmaster@tlggr.com](mailto:srittmaster@tlggr.com)

**Neal Schwarzfeld**  
[nschwarzfeld@pennprolaw.com](mailto:nschwarzfeld@pennprolaw.com)

/s/ Amy K. Kendall  
Amy K. Kendall